

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

This amendment is being filed in response to the Notice of Non-Compliant Amendment dated January 31, 2005. The Notice of Non-Compliant Amendment states that not all added subject matter had been underlined, and not all deleted subject matter had been struck through. In view thereof, all added subject matter in Claims has been underlined herewith, and all deleted matter in Claims has been struck through herewith.

Claims 1-10 are presently pending in this application, Claims 1-4 and 6-10 having been amended by the present amendment, Claims 3-10 having been withdrawn from further consideration as directed to a non-elected species.

In the outstanding Office Action, the disclosure and Claim 2 were objected to because of informalities; Claims 1 and 2 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; and Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as being anticipated by Foote, et al. (U.S. Patent 6,439,730).

In response to the objection to the disclosure and Claim 2, the specification and Claim 2 have been amended to correct the noted informalities. No new matter has been introduced. Accordingly, no further objection on that basis is anticipated.

Claims 3-4 and 6-10 have been amended to change “An” to –The--. No new matter has been introduced.

In response to the rejection of Claims 1 and 2 under 35 U.S.C. 112, second paragraph, Claims 1 and 2 have been amended to recite the sub-combination of an outer mirror assembly in definite terms. Accordingly, Claims 1 and 2 are now believed to be in full compliance with the requirements of 35 U.S.C. 112, second paragraph.

Amended Claim 1 is fully supported by the specification, drawings and claims as originally filed. Applicants therefore submit that no new matter has been introduced.

Briefly recapitulating, Claim 1 is directed to an outer mirror assembly for a vehicle. For example, referring to the non-limiting embodiment of Figs. 5-8, the outer mirror assembly includes a mirror base 10, a mirror housing 20 and a rear view mirror 23b disposed in the mirror housing 20. The mirror base 10 includes a **single** extension 10b which is adapted to extend outwardly from a side of a vehicle body VB. The mirror housing 20 has an upper surface and is fixed to the single extension 10b only at the upper surface adapted to form a space S between the vehicle body VB and the mirror housing 20.

In the outer mirror assembly recited in Claim 1, the mirror housing is fixed to the **single extension only at the upper surface** adapted to form the space between the vehicle body and the mirror housing. Accordingly, no member, for example, no another extension is present in the space. Therefore, wind stream flows smoothly in the space without hitting a member in the space. Consequently, wind noise can be reduced.<sup>1</sup>

The Office Action asserts that Foote et al. disclose an outer mirror assembly including a mirror base (22, 24, 30), a mirror housing 40 which is suspended from the mirror base.

However, Foote et al. fail to disclose that the mirror base (22, 24, 30) includes a **single** extension adapted to extend outwardly from a side of a vehicle body VB. Instead, Foote et al. disclose plural extensions (22, 24). Moreover, Foote et al. fail to disclose that the mirror housing is fixed to the single extension only at the upper surface adapted to form a space S between the vehicle body VB and the mirror housing 20. Instead, in the Foote et al. outer mirror assembly, another extension 24 is present in the space. Consequently, in the Foote et al. outer mirror assembly, wind stream hits the extension 24, and so wind noise cannot be reduced.

Further, in the Foote et al. outer mirror assembly, referring to Fig. 1, the mirror housing

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<sup>1</sup> The present specification, page 2, line 18 to page 3, line 5.

40 is slidable along the plural extensions (22, 24). If the mirror housing is connected to a single extension in the Foote et al. reference, the mirror housing 40 may rotate around the extension.

Therefore, there is no motivation in the Foote et al. reference to provide a single extension.

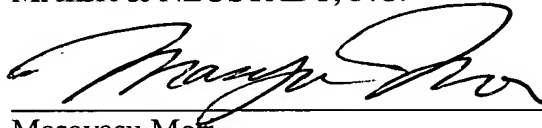
Accordingly, Foote et al. are not believed in any way to anticipate the specific features recited in Claim 1. Therefore, Claim 1 is believed to be allowable.

Substantially the same arguments as set forth above with regard to Claim 1 also apply to dependent Claim 2, which depend directly from Claim 1. Accordingly, Claim 2 is also believed to be allowable.

Consequently, in view of the present amendment, it is respectfully submitted that this application is in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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